

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

**IN RE:
BLUE CROSS BLUE SHIELD
ANTITRUST LITIGATION
(MDL NO. 2406)**

Master File No. 2:13-CV-20000-RDP

**This Document Relates to
Provider Track Cases**

PROVIDER PLAINTIFFS' NOTICE OF UPDATES REGARDING FINAL APPROVAL

Please take notice of the following items relating to final approval of the Provider Plaintiffs' settlement:

I. Updated Fees and Expenses

When the Provider Plaintiffs moved for an award of fees and expenses on February 2, 2025, they reported that Provider Plaintiffs' counsel had spent more than 373,000 hours litigating this case, amounting to more than \$227 million of lodestar. Doc. No. 3258-1 at 12. They also reported that they had incurred more than \$97.2 million in Shared Costs and \$2.1 million in Held Costs. *Id.* at 27. In addition, they stated, "Because Provider Plaintiffs will continue to incur expenses until the Final Fairness Hearing, they propose that they submit a final figure for the Court's approval one week before the Final Fairness Hearing. Provider Plaintiffs expect that the total will be less than \$103 million." *Id.* at 27.

As of June 30, 2025, they have now spent more than 386,000 hours litigating this case, amounting to more than \$237 million of lodestar. Exhibit A (Co-Lead Counsel Declaration) ¶ 3; Exhibit B (Local Facilitating Counsel Declaration) ¶ 2. That difference reduces the lodestar multiplier for their requested fee award from 2.89 to 2.77. Exhibit A, ¶ 3. They have incurred \$99,934,671.68 in Shared Costs, Exhibit C (Updated Declaration of Special Master) at 3. The increased Shared Costs primarily relate to expert analysis that was essential in giving Class

Members information they needed to decide whether to remain in the Settlement. The Provider Plaintiffs request an award equal to their Held Costs as of September 30, 2024, which was \$2,124,806.81. *Id.* Ex. B. The Provider Plaintiffs are not seeking any additional reimbursement related to their additional lodestar and Held Costs accrued since September 30, 2024, which total approximately \$10.5 million. Exhibit A, ¶ 5. Therefore, the Provider Plaintiffs request that the Court award expenses of \$99,934,671.68 in Shared Costs and \$2,124,806.81 in Held Costs, for a total of \$102,059,478.49.

II. Settlement Administration

Since filing the motion for final approval, Provider Co-Lead Counsel have continued to coordinate with the Settlement Administrator and the Settlement Notice Administrator on tasks relating to class notice and claims administration. A declaration from the Settlement Notice Administrator about these tasks is attached as Exhibit D.

III. Facially Valid Opt-Out List

Provider Co-Lead Counsel have worked with the Settlement Notice Administrator to produce a list of facially valid opt-out requests. As explained in Paragraphs 27 and 29 of the Provider Co-Lead Counsel's declaration in support of final approval, Doc. No. 3313-2, and Paragraph 6 of their declaration filed with this notice as Exhibit A, inclusion on this list does not necessarily mean that the opt-out request is valid; it means only that the request appears to comply with the requirements of the Preliminary Approval Order and the Notice Plan. The list of facially valid opt-outs is attached as Exhibit E.

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